

ARTICLE II: ZONING CODE

ADMINISTRATION, INTERPRETATION AND ENFORCEMENT

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Chapter 19.050

Administrative Responsibility**19.050.010 Riverside Planning Agency**

- A. California Government Code Section 65100 requires each jurisdiction to establish a planning agency to carry out the land use and planning functions of the jurisdiction. The City's Planning Agency is generally the Planning and Building Department. The functions of the Planning Agency, as designated by the Zoning Code, may be carried out by any one of the following, as further defined in this Chapter and Zoning Code. In the absence of an assignment, the City Council shall have the Planning Agency responsibility and authority.

1. City Council
2. Planning Commission
3. Planning Director
4. Zoning Administrator
5. Public Works Director
6. Building Official
7. Cultural Heritage Board
8. City Manager

Pursuant to Government Code Section 65105, planning agency personnel, in the performance of their functions, may enter upon any land and make examinations and surveys, provided that the entries, examinations, and surveys do not interfere with the use of the land by those persons lawfully entitled to the possession thereof.

19.050.020 Responsibilities of the City Council

- A. The City Council shall have the following responsibilities:
1. Appoint members of the Planning Commission.
 2. Hear and act upon appeals of decisions of the Planning Commission or Zoning Administrator as applicable, pursuant to Table 19.650.020 – Approving and Appeal Authority in Chapter 19.650.
 3. Hear and act upon applications as required by Title 18 – Subdivision Code, and applications for Zoning Code Amendments, General Plan Amendments, Specific Plans, Development Agreements, and any application referred to it either by the normal Approving Authority or on appeal. In the event that applications for other land use permits are requested in conjunction with these entitlements, the City Council shall also be the final decision-making body for the other land use permits.

4. Direct planning-related policy amendments and special studies as necessary or desired.
5. Exercise such other powers and duties as are prescribed by State law or local ordinance.
6. Initiate amendments to the Zoning Code.
7. Review and certify environmental documents prepared pursuant to the California Environmental Quality Act (CEQA) pursuant to the City Council adopted CEQA Resolution and any amendments thereto.

19.050.030 Responsibilities of the Planning Commission

- A. The Planning Commission shall have the power and duties assigned to it pursuant to Article VIII, Section 806 of the City Charter and Title 2, Chapter 2.40 of the Municipal Code.
- B. The Planning Commission shall have the further responsibilities:
 1. Hear and act upon appeals of decisions of the Building Official, Fire Marshal, and their subordinates, subject to the limitations set forth in the Riverside Municipal Code Section 2.40.020.
 2. Hear and act on referrals by the Planning Director and Zoning Administrator.
 3. Hear and act upon applications as indicated in Section 19.650.020 of this Title and Section 18.140.040 of the Subdivision Code (Approving Authority Table).
 4. Hear and make recommendations to the City Council on applications or proposals for amendments to the Zoning Code.
 5. As appropriate, initiate studies of amendments to the Zoning Code, and make recommendations to the City Council for amendments to the Zoning Code.
 6. Review the capital improvement program of the City and the local public works projects of other local agencies within the corporate boundaries of Riverside for their consistency with the City's General Plan, pursuant to Government Code Sections 65401 et. seq.
 7. Exercise such other powers and duties as are prescribed by State law, local ordinance, or as directed by the City Council.
 8. Review and certify environmental documents prepared pursuant to the California Environmental Quality Act (CEQA) pursuant to the City Council adopted CEQA Resolution and any amendments thereto.

19.050.040 Responsibilities of the Planning Director/Zoning Administrator

- A. The Zoning Administrator shall be that person or persons so designated by the Planning Director, including the Planning Director.
- B. The Planning Director shall have the responsibility and authority to administer and enforce the Zoning Code as follows. The Planning Director shall have the authority to assign any such responsibilities and authorities to the Zoning Administrator.
 1. Maintain the chapters of the Zoning Code, zoning map, and all records of zoning actions and interpretations.

2. Advise the City Council, Planning Commission, Cultural Heritage Board and City Manager on planning matters.
 3. Provide administrative services and staff for meetings of the Planning Commission and Cultural Heritage Board.
 4. Conduct administrative functions authorized by the Zoning Code, including distribution and receipt of permit applications and corresponding fees; application review and public noticing; determination and issuance of administrative permits and approvals; and preparation of staff reports with recommendations, proposed findings, and proposed conditions for discretionary and legislative actions by designated planning agencies.
 5. Provide information to the public, and facilitate public participation on planning matters, promote an understanding of the General Plan and the regulations relating to it.
 6. Exercise such other powers and duties as are prescribed by State law, local ordinance, or as directed by the City Council and/or City Manager.
 7. Promote the coordination of local plans and programs with the plans and programs of other public agencies.
 8. Conduct administrative functions authorized by Title 17 (Grading), Title 18 (Subdivision) and Title 20 (Cultural Resources)
 9. Report on the General Plan consistency of Public Works projects, acquisitions, dispositions, etc. pursuant to Government Code Sections 65401 and 65402.
 10. Report on the progress of the implementation of the General Plan pursuant to Government Code Section 65400.
- C. The Zoning Administrator shall have the responsibility and authority to administer and enforce the Zoning Code as shown in the Approving Authority Table 19.650.020 and as authorized under 19.050.040 B 1- 10.

19.050.050 Responsibilities of the Public Works Director

The Public Works Director or the authorized designee shall be the City Engineer and shall exercise the powers and duties as provided in the Zoning Code, and any other applicable ordinance of the City.

19.050.060 Responsibilities of the Building Official

The Building Official or the authorized designee shall issue building and sign permits in accordance with the provisions of the Zoning Code and any other applicable ordinance of the City.

19.050.070 Responsibilities of the Cultural Heritage Board

The Cultural Heritage Board shall have the powers and responsibilities established in Section 20.15.020 (Powers and Duties) of Title 20 – Cultural Resources.

19.050.080 Creation of the Planning Commission

Pursuant to Government Code Sections 65101 et seq., Section 806 of the City Charter and Chapter 2.40 of the Municipal Code, the City Council, as the legislative body of the City of Riverside, creates the Planning Commission as follows:

A. Eligibility for Office

A member of the Planning Commission shall be a resident of the City of Riverside. If a member moves his or her residence outside of the City, such member shall automatically be removed from office.

B. Membership and Term

The Planning Commission shall consist of nine members appointed for a term of four years by a majority of a Council quorum. Alternates may also be appointed by the City Council.

C. Vacancies

If a member of the Planning Commission is unable or unwilling to complete his or her term, the City Council shall fill the vacancy by appointing a qualified person to serve the remainder of the term.

D. Removal

Members of the Planning Commission serve at the pleasure of the City Council and may be removed from their position by a vote of a majority of the members of the City Council. No public hearing need be held prior to removal, and no cause for removal need be shown.

E. Meetings

The Planning Commission shall meet at least once each month on a regularly scheduled time and day, and at such other times as the chairperson deems necessary to perform the duties of the Commission.

F. Appointment of Officers

The Planning Commission shall appoint a chairperson and vice-chairperson from among its members. The chairperson and vice-chairperson shall serve at the pleasure of the Commission. The chairperson shall call an election annually in accordance with the adopted Rules of the Commission.

G. Rules

The Planning Commission shall adopt Rules for the transaction of its business, including rules for the election of officers.

H. Record of Proceedings

The Planning Commission shall maintain summary minutes and a taped recording of its proceedings. The taped recording shall be retained as set forth in the City's record retention policy.

I. Administrative Support

The Planning Director shall be responsible for the administration of this Section and shall assist the Planning Commission in performing its functions.

Chapter 19.060

Interpretation of Code

19.060.010 Purpose

The purpose of this Chapter is to specify the authority and procedures for clarifying any ambiguity in the regulations of the Zoning Code, and to ensure consistent interpretation and application of the Zoning Code.

19.060.020 Applicability and Authority for Interpretations

- A. If ambiguity arises concerning the meaning or applicability of any provision of the Zoning Code, the Zoning Administrator shall have the responsibility to review pertinent facts, determine the intent of the provision, and to issue an administrative interpretation for the following provisions specified in this Chapter:
 - 1. The development standards applicable to a particular zoning district or use.
 - 2. Zoning boundaries.
 - 3. Uses. The Zoning Administrator shall interpret the phrases "other similar uses," "uses customarily incidental to," etc., as used in the Zoning Code.
- B. An administrative record of all such decisions by the Zoning Administrator shall be maintained pursuant to Section 19.060.040 (Records of Interpretations).
- C. Interpretations by the Zoning Administrator may be appealed to the Planning Commission, and interpretations of the Planning Commission may be appealed to the City Council pursuant to Chapter 19.680 (Appeals).

19.060.030 Rules and Interpretations

A. Terminology

When used in the Zoning Code, the following rules apply to all provision of the Zoning Code:

1. Language

The words "shall," "must," "will," "is to," and "are to" are always mandatory. "Should" is not mandatory but is strongly recommended, and "may" is permissive.

2. Tense

The present tense includes the past and future tense, and the future tense includes the present.

3. Number

The singular number includes the plural number, and the plural the singular, unless the natural construction of the words indicates otherwise.

4. Conjunctions

“And” indicates that all connected items or provisions shall apply. “Or” indicates that the connected items or provisions may apply singly or in any combination. “Either...or” indicates that the connected items and provisions shall apply singly but not in combination. “Includes” and “including” shall mean “including but not limited to...”

5. Local reference

“City” as used herein means the City of Riverside and all public officials, bodies and agencies referenced herein are those of the City unless otherwise stated.

B. Number of Days

Whenever the number of days is specified in the Zoning Code, or in any permit, condition of approval, or notice issued or given as provided in the Zoning Code, the number of days shall be construed as calendar days. When the last of the specified number of days falls on a weekend or City holiday, time limits shall extend to the end of the next working day.

C. Minimum Requirements

In interpreting and applying the provisions of the Zoning Code, such provisions shall be held to be the minimum requirements for the promotion of the public health, safety, comfort, convenience and general welfare. Where the Zoning Code imposes a greater restriction upon the use of buildings or land or requires larger open spaces than are imposed or required by this code or other ordinances, rules, regulations or by easements, covenants or agreements, the provisions of the Zoning Code shall control.

D. Intent

Whenever there is any question regarding the interpretation of the provisions of the Zoning Code or their application to any specific case or situation, the Zoning Administrator shall interpret the intent of the Zoning Code. The Zoning Administrator shall have the authority to forward to the Planning Commission any question regarding interpretation.

E. Boundary Interpretations

Where uncertainty exists as to the boundary of any zone shown on the Official Zoning Map, the following rules shall apply:

1. *Street, Alley or Lot Lines.* Where the indicated zone boundaries are approximately street, alley or lot lines, such lines shall be construed to be the boundaries, otherwise such boundaries shall be determined by use of the scale appearing on the Official Zoning Map, unless specifically indicated by dimensions.
2. *Determination by The Zoning Administrator or Planning Commission.* Where uncertainty exists, the Zoning Administrator may, by written decision, determine the location of the zone boundary or refer such determination to the Planning Commission.
3. *Vacated Street or Alley.* Where a street or alley is officially vacated or abandoned, the zone boundary shall be changed so as to include such vacated or abandoned street or alley in the same zone as the adjoining property to which it reverts.

19.060.040 Record of Interpretations

- A. Once the Zoning Administrator has identified the ambiguity and considered relevant information, an official interpretation shall be established in writing and shall cite the provisions being interpreted, together with an explanation of the meaning or applicability of the provision(s) in the particular or general circumstances that caused the need for interpretation.
- B. Any provision of the Zoning Code determined by the Zoning Administrator to be ambiguous pursuant to this Chapter shall be clarified by amendment as soon as is practical. The Zoning Administrator shall maintain a complete record of all official interpretations available for public review, indexed by the chapter number of the Zoning Code that is the subject of the interpretation, including all interpretations made by the Planning Commission and City Council.

19.060.050 Appeals

Any aggrieved person or persons or interested member of the City's Planning Agency may appeal an interpretation of the regulations or zoning map. Appeals shall be processed pursuant to Chapter 19.680 (Appeals).

Chapter 19.070

Enforcement**19.070.010 Enforcement Authority**

It shall be the duty of the Code Compliance Division, Fire Department and/or the Police Department of the City, and all officers of the City otherwise charged with the enforcement of the law, to enforce the Zoning Code. Any condition imposed as part of an approved planning case, including but not limited to conditional use permits, minor conditional use permits, and temporary use permits, and any condition imposed by an appropriate decision-making body or authorized Planning and Building Department official shall also be enforceable by the appropriate City officials.

19.070.020 Violations

For the purposes of this Chapter, those persons vested with enforcement authority pursuant to Section 19.070.010 shall have the power to issue Notices of Violation and field citations, inspect public and private property and use whatever judicial and administrative remedies are available under the Municipal Code (Section 1.01.115- Issuance of citations and Chapter 1.17- Administrative Code Enforcement Remedies).

19.070.030 Verification of Permitted Uses

The City may require, upon reasonable notice, evidence sufficient to establish that a business permittee or other person engaging in a regulated use of land is in compliance with all entitlements. Such evidence may include, but is not limited to, financial records, operating plans, and other verifiable information. Failure to provide the City with required information may be considered evidence of noncompliance.